VOL. X.

PORTLAND, THURSDAY, JULY 3, 1851.

NO. 27.

THE PORTLAND INQUIRER,
IS PUBLISHED EVERY THURSDAY AT
PORTLAND, ME. 68 EXCHANGE ST.
WILLEY & THURSTON

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SPEECH

HON. HORACE MANN,

FUGITIVE SLAVE LAW.

FELLOW CITIZENS:—We are assembled on a great opecasion and for a great propose. The election of a Member of Cougress, indeed, is not an extraordinary event j but it is extraordinary that principles of the most vital importance to the honor of Massachusetts, and to the cause of Human Liberty through-but of the country of

election. Such, however, is now the fact, on the second of the recognition of the second of the seco

that, during the bat three quarks and that, during the bat three quarks and the tury, our course has heen downward. What among the other unions of Christendom, had-raises of Lisberty have been kindling a burning with a brighter flame, our later than the country of the country

Nor is it sufficient that the title of slavery should rise and overlow the wast and uninhabited regions of the West. It surges upsegnisate the Fee States themselves, and all the dikes and harriers of Constitutional Law for evers, cannot say the flood. We thought that Massachusetts was the imprognable cittal of freedom; but unconstitutional and inhuman laws, dictated by alwe-holders, are also as the surgestion of the surgestion of the polluces is air to hard only the conpolluces is air by cheering on the hunt of

Thank God, there is a part of our people who, while they suffer, remist. Only a powdown with the suffer, remist. Only a powdown with the suffer and the west depth of degradation, where they surrender, out their links outly, but their wills, to the country of the suffer will be suffered to the suffered with the suffer

Why is fi, fellow citizens, that Massachierts stands fare, a smooth the first, in 1621, 16

band, has offended."
Geuldmen, we in Massachusetts are a
thoro-foring, and havehiding people. Mr.
Hondelter and his "rectainers" may spear their
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bestere and his commonwealth, as well
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sales, when a man undertakes the mission of solid production of the courty, preaching honesty and a solid production of the courty preaching the courty products the inquiry whether be liancing whether be liancing whether be more than those whom the continuous art or continuous than those whose the court of the unique of the court of the cour

we are not discovered in a purious paper. We are not only to into circulation.

I said before, we are law-claiming men, luttatis not been so, not all the fewer and semiis the world could have carried Thomas Simis to heave to be a superior of the control of the fewer are to be a superior of the control of the con
The exception of the c

penalty of disobedience. But with his sentiment of reverence for But with his sentiment, which is its proper and the sentiment, which is its proper and electricated to the sentiment of the sentence of the sentiment of the senti

Crassovers of the Progress State Laws. Laws. Laws. Laws. Law to the general provisions of this inhuman canetment—al provisions of this inhuman canetment—all provisions of the property data man has in himself and in all his capacities of physical enjoyment and anticrast of the property of the property

ITS CONTRARIETY TO THE LAW OF GOD AN ITS UNCONSTITUTIONALTY.

Now, I have two objections to this law which slassly em from all obligations to exhibit a second of the property of the contrary to the law of God, which, God helping me, shall be the rule of my conduct, the contrary to the law of God, which, God helping me, shall be the rule of my conduct, the contrary to the contra

passes up of the observable has to be contrary and constitution of the United Strates, and therefore of no hinding force upon my conscience or into conduct. I do not mean to say by this, that I shall make forcible opposition to it. I take the Quaker ground upon this subject; I will not assist to execute used for the conduction of the

The constitutionality of this law has been terminely discussed. But there is this toward difference between the arguments of those who affirm and those who deny that it is constitutional. Those who deny that the constitutional through the constitution of the constitutional through the constitution and the constitutionality of the law, base their argument upon technical through the constitutionality of the law, base their argument upon technical through the constitutionality of the law, base three argument upon technical through the constitutionality of the law, base three argument upon technical three constitutions and they canbbe ground. They found themselves, in the first place, upon the statutory precedent productions, as its history shows, and productions are also that the constitution of the control of sect place, upon the statutory precedent production of principles of the control of the control of sections of Principles sease which was made by a sease of the court professed to docide the points which the court professed to docide the court professed to the the court professed to the court professed to docide the court professed to the court professed to docide the court professed to the court professed to docide the court professed to the court professed to docide the court professed to the court professed to docide the court professed the court professed to docide the court professed the court professed to the court professed to the court professed to the court professed to the court profe

lid not arise in the case.

Now the statutory precedent covers only part of the case; for some of the most case; for some of the most case; for the law of 1850 are not

the Supreme Court has never passed upon the law of 1850 at all. So two points are clear in the outset, that the champions of the law cannot get slong without the precedents, and the precedents, in several most important particulars, fix them although-

of Massachusetts—a man every way resident of a jury trial by our Constitution and Laws as much as you or I,—ias been sacrified by a United State Commissioner in the city of the law. It is a state to commissioner in the city of the law. It is a state of the law of

THE OFINION OF GEORGE T. CUATIS, ESQ., WHEN CONSIGNING THOMAS SIMS TO BON-DAGE.

Now, to this decision of the Commission or under such incitements, and write aside asside asside as the control of the control

It may be said that these are legal an constitutional questions, and, therefore, un professional uses cannot understand thempore size of the said of part of part of part of part of the said of part of part

Is the delivery of an alleged Slave to the person claiming him an exercise of "Judicial Power?"—Self contrad-

The first point which the Commessions discusses is, whother in seiting, by his war-nut, a men actually free, in deciding, by his war-nut, a men actually free, in deciding, by his beginned in the second of the sec

But what says his superior, the Attorney General of the United States? In delivering an elaborate opinion, at the command of the President of the United States,—an opintory of the Command of the Command of the Command of the Command of the open command of the Command of the Command for many he presented to have the sunfortity of Mr. Webster and the other Constitutional advisors of the President, and which certainily had the sanction of the President humself; but the Command of the Command Command of the C

"These officers, the Commissioners and each of them, have judicial power, and jurisdiction to hear examine and decide the case."

use;
"The certificate to be granted to the ownr is to be regarded as the act and judgment
f a judicial tribunal, having competent juris-

tiction.

"Congress has constituted a tribunal, with tacksive jurisdiction to determine summarily and without appeal. Who are fugitives from

"The judgement of the tribusal, created by this act, is conclusive none all tribusals." Now which is right, the Attorney General with the President and his Caiment to endorse him, or Mr. Commissioner Criticis Talantim to your that the Grener were clearly than the chart was conclusive to the conclusion that the chart were clearly the chartest that "no person shall be depicted of fifth, liberty or property without due process of law," (which imports a trial by jury,) then neither Adam Ghoson, nor Thouas Sinas, nor any other alteged furging the case is not any other alteged for the case of the judgement of sendence of the judgement of sendence of the judgement of sendence of the sendence of the sendence of the property, and the judgement of sendence of the "hotted can be, namely that if a resident of Mussenbustets can be deprived of his "liberty and property," without a trial by jury and a judgement of a Goort, then he may be de-

"It is substantially concepted by the Supremo Court of Massachusett, indiviewing that opincount of Massachusett, indiviewing that opincountries of the Massachusett, individually actually upon present atom, and is discovated by principle. Chief Jasties Shaw ways: that of the Massachusett, and is discovated to the Massachusett, and the Massachusett, that if this argument, draws from the Constitution of the United States, were now first applied to the law of 1739, deriving no austoin from contemporarous content of the Guerral and State Governments, the argument from the lim-

I minut that the precedents, on this subject, both logislative and judicial, are substantially divested of all their force, by the fawness of the cases that have ever arises under the law; by the general obsoleteness into which it fell; and, more than all, by that uniform indifference angeled, and I may add inhumatty, with which colored people and the rights of colored people, have been almost universally regarded in the

the same sentence, and by the same safe-

executioned by the Commissioner was a "justice and power," it despired the party of all benefit from the holozar corpus. And there was some believes the property of the prope

Who could have imagined, eight month ago that a ministerial proceeding could put a citizen beyond remely or reach of ou

I now come to a position in the commissioner's argument whica is not only transparently fallacious, but is contradicted by himself, in the same eminon, again sudagain. I shall offer a series of objections

The point was pre-sedipon him by couns that he was secreising judical power."—
sed that he was secreising judical power."—
sed that he was secreising judical power."—
read to be a power out of possession for the make by the owner out of possession for the series are a contravery between the series as one a contravery between the series as the series are a contravery between the series and a case arising under the constitution of the series of the series and the series and series are series of the series and the series are series as the series of the series are series and the series are series and the series are series as the series are series are series as the series are series are series as the series are series are series are series as the series are se

First,—That a claim for a fugitive slave is a case arising under the constitution of the United States, and so within the grant of "indicial power" as given.

Second,—"That heing such a case, helong ing to the judicial power of the Union, it was for Congress to regulate and prescribe the remedy, the form of proceedings, and the mode and extent in which the judicial power

of the Union should be called intra acrivity. It them declares his full admission of ke these propositions. And how does he as were the first one, which, at a blow, unseen him from his ususped bench. He says "the counsel for the prisoner law: insisted mo ond." And what the say is the counsel for the counsel for the counsel to say any thing about the second, the first level to the counsel to say any thing about the second, the first level he counsel to say any thing about the second, the first level he are the counsel to the counselone to the c

But agains this reply of the Commission or that the counts shall nothing about the critical countries of the proper of the Union should be called into the remote of the Cinion should be called into activity. Suppose it was for Congress to power when doing it; and does not his advised to the countries of the first point prove that they have transcended their power?—The very power when doing it; and does not his advised to the countries of the co

But this is not all. After declaring in this part of the opiuion, his full conviction that the delivery of an alleged fugitive committies the televery of an alleged fugitive compower," he uses further on, the following anguage; "It would seem," says he, "the tolly remains to inquire whether the act tolly remains to inquire any thing are 1850, authorizes or requires any thing are

than a summary ministerial proceeding in aid of the right secured by the Constinion of the constinuing the constitution of the conloids, set in the constitution of the conbolds, set in the constitution of the contended to belong, "in the strictest sense," to the "judicial power," has now cased to be "maghing more than a summary ministerial

some some some some season and summary munisterial And again he says, "I have eudoavored, in the foregoing discussion, to show that this is a numerary ministerial proceeding," &c., "If the be's, and I can endertain no shade that it is a numerary ministerial proceeding," &c., "If the better is a numerary ministerial proceeding," and in the contract of "judicial power," to one knowledged that the delivery of an alleged duptive is an according to form one who necknowledged that the delivery of an alleged duptive is an according to the proceeding, a may make a summary ministerial proceeding, a may be a summary ministerial proceeding, and the proceeding of the pr

NATURE AND AUTHORITY OF "JUDICIAL POWER EXPLAINED AND VINDICATED.

I proceed to another point in the commissioner's decision, and when I have discussed it, I shall submit to your good sense whether I do him any injustice in saying that it is most perspicuously fallacious, and lucidly absurd.

and too the second of a certain and too the second of the

But we have a written constitution, an therefore are not to teleare a law,) as in the case of this figitive stay law,) which is requested to the following the case of this figitive stay law, which is requested to the constitution all legislative powers there is granted, are vested in Congress; excur its power in a prosident, and polecul pow with the government of this Commonwealth the government of this Commonwealth the government of this Commonwealth the legislative department shall never exercise the legislative and judicial powers, or either the constitution of them; the judicial shall never exercise the legislative and executive powers, or either the legislative and executive powers, or either the legislative and executive powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government.

or invivaled not or men.

In hydrolemental fulfillings, the discussion of the country recognition of the control of the country of the countr

The commissioner professes to laver forms a chase of both under our States and Nationa as chase of both under our States and Nationa as a chase of both under our States and Nationa may be confided to the determination of of ficers who are not judges." On this point he has expanded himself. Here lay that, in deciding the great issue before him "shave or free," he was excretising judicia power; and in ordering an armed force to convey the within to his house of bondage convey the within to his house of bondage to convey the within to his house of bondage power; thus blending the functions which both constitutions have separated, the commissioner felt that he must find some andions within the control of all principle, or his agriculture of the power, the second of all principle, or his agriculture was in ruins. It is in ruins; for his some on such precedent, and cannot on such precedent, and cannot on such precedent, and cannot on the precedent, and cannot be such that the property of the second of the property of the propert

find any.

The instances he cites from Massachusetts are, let. Sheriffs, who may preside over juries when essessing dimages for laying on lighways, and may decide such questions of laws scarge on the trial, 2. Auditors, who have some on the trial, 2. Auditors, who have some of the trial of the second of the control of t

and 4. County commissioners who lay in highways. The highways was the county of these cases, does the officer as the cases, does the officer as the cases, does the officer as the cases of the cases, does the officer as the cases of the cas

Look, Fellow-citizens, at this wroteher sophistry. The Sheriff must make return of the verifiet of the jury to the Court of Common Pleas,—which is a COVEX,—and is either party suggests good grounds of dissatisfaction, the whole proceeding is a multily and the investigation must be made again and again, until every act an letter of it become unoxyceptionalise. The Auditor must make his report to the court cause, they set isside both it and him. The sets of the Commissioners of Insolvency derive all their validity from the consent or derive all their validity from the consent or the parties, or from the judgement of a court, which substitutes the force of its wire conearst. And no set of the County Chemissent And no set of the County Chemispeter in the control of the control of the period of the control of the control of the purple of the control of the control of the purple of the control of the consent against of the control of the consent against of the control of the c

It nowever, in all the above cases, the part is in increase consens to the acts of Chierri and in its interest cases of the increase in the acts of Chierri and in the part of the party consenting is allowand eastoppe from questioning them. But they derive a sunfority from any 'judicial power' vatase authority from any 'judicial power' vatase more excelly in point, and better illustrating the principle, in the fourth section of the 57th clop. of our Revised Statutes where it is provided that "in actions apon where it is provided that "in actions and the action and the state of the control of the same of the control of the control of the control of the control of the same form, as if it had been awarded by the mester." Yet who pretend that this same form, as if it had been awarded by the mester. "Yet who pretend that this where there is no dispute hetween the part where there is no dispute hetween the part of sea, enaments form any judicial power" in sen, enaments from any judicial power" in sen, enaments of sen and prover in the control of the con

The instances cited under the United States Constitution have, if possible, still less plan-sibility. The Commissioners appointed by the courts, can initiate certain proceeding by bolding parties to trial, &c., but this function is no more judicial than that of the grandjury in funding an indictment. It is a pre-limitary to a judicial act, but not such an act limitary to a judicial extended to the commissioners are not even required to the commissioners are not even required to the commissioners are not even required to the commissioners.

So of the case of which so much is attempted to be unde,—that of the Commissioner of Patents. Any purty feeling himself aggrieved by any of his decisions, cau appeal directly to the Courts of the United States

directly to the Course of the United States for redress.

Compare all this with analogous instances.

Compare all this with analogous instances.

Compared the state of Government. The legislative department of Government. The legislative department of Government of Course of State law. Massachusetts has had several such. Our Revised Statutes are a mountained to the state of these Commissioners. But were they begindstors? War shows the state of the state of

inself. The strength, or rather the weakness, of the Commissioner's argument, on this point, continued in the oluristics, projecting, self-constant in the oluristics, progesting, self-constant in the oluristics, progesting, self-constant in the oluristics, projecting, self-constant in the oluristics, properties, constitutional, phrase, "judicial power," as ynonimous with the popular expression," as judicious act," or "the exercise of judgment." Onlinear of all kinds exercise "judicial power," of the properties of the projection of the properties of discipline of the properties of discipline of the properties of the p

to humanity.

Does not everyhody see, that in order to obtain any legitimate ground of enumparison between them, so that the cases parallel, in order to obtain any legitimate ground of enumparison between them, Sims should have had the same power of appealing from the Commissioner's decision to a court, which power of appeal before of piegle, to a party who fields agreed of piegle, to a party who fields agreed of the piegle of the p

THE COMMISSIONER'S "FINAL" FALLACI

THOSEN NOT HIS LAST.

But there is another point in the Commissioner's opinion, which is worthy-to be companion to this. I proceed to consider it.

If: repeats and keeps repeating, that his bondage, and putting him under the course of a man who claims title to his body and his soul, to the carried into a jurisdiction where such titles are acknowledged, is not "PIXLL". It is not fraid, he may, because if the laws of Georgin, which has been duried the laws of Georgin, which has been duried to him by the laws of Massachusetts; that

* I object to Mr. Curtis's calling the Count Commissioners, "The Court of County Coun nissioners." They are nowhere so called in the Act creating them, or in the Act derhaing the duties. On the containt, the captures of the Court of the Court of the Court of the county leaves which is a Court. This may have been an inadvertence, but it shows how he mis took the nature of their powers. is giving against a free man, in a free State, is a false judgment, he may go to a slave state to obtain redress, which is ten thousand times worse than if a jury, in a capital osee, should say, we may find this prisoner guilty; for if he be wrongfully lung, God will make

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Besides the humanity of this, it contain a fallow which is twin-brother to the on just considered. The judicial word, "final has a lead, todales and certain meaning has been a substantial to the last judgment from which as part cannot appeal, though he may else so much desert it, or it means that judgment, after desert it, or it means that judgment, after desert it, or it means that judgment, after the desert it, or it means that judgment, after the part of the part of

ment rendered by the Commissioner against state, it by the subduity eloquence of his tears; by the subduity eloquence of his tears, and the subduity eloquence of the subduity eloquence eloquen

laws of Georgia.

If by any possibility this doctrine that the decision is not final, could be for a momentum of the country o

which to compare it.

The Constitution says "Xo State slapses any law impairing the obligation occurrents." Here we have a constitution least,—the same as for the reclamation to the same and the same passed have passed the same passed that the same as the stop-laws of Kentucky, and so first to have a Kentucky debtor, whose contracts have been supposed Massechusetts eredition to elais to have a Kentucky debtor, whose contracts have been supposed to the same supposed the same supposed to t

MOTHER FALLACY.

I confuse on well unable to understand why the certificate of the commissioner, any more restricted to a limited and specification of any judicial act, sentence, execution of any judicial act, and the posterity in his posterity in the owner. The foreward homas Sinus, and the posterity is hear foreward, for execution against Sinus and his posterity of the first the meaning of the ce tificate, as to time? If so, then a general extend of our form the finish the meaning of the ce tificate, as to time? If so, then a general extend and our form the finish act, as control course decide that one man assessments man money, they award execution against binary that the property, with certain humans examples to the service of the ser

Portland Inquirer.

se it does here precisely what tyranny does tustria where severe punishment by law its him who sings a free song.

ANOTHER RESCUE.

[For the inquirer]
LIMINGTON - LAW TRIUMPHANT.

Fourth of July, 1851.

Travelling Agenta.

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Markets, &c. Portland Wholesale Prices Current,

| Monorary June 20, 1851. | Monorary June 20

DIPLOMA

Temperance Watchmen

Why don't you destroy those Bed-h
The Dead Shot,
so must the thing that will do it so pright;
stor variesh it dies on wherever it implies to the the whole season, rendering a nee
gply it once theroughly, and those
j, term only my and those

J. PREATISS WOOD

R EAL ESTATE BROKERAGE.

regies to be the condition of said mortgage likeboom that the condition of said mortgage likeboom that the condition of said mortgage likeboom of a few reason thereof, I claim a foreclosure of a ge.

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support armies; but no ney to that use, shall be

ARTICLE III.

shall be at such place or places as the co gress may by law have directed.

ARTICLE IV.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the constitution, as under the

my name. EORGE WASHINGTON, President.

AMENDMENTS TO THE CONSTITU-TION. ARTICLE I.

Congress shall make no law respecting stablishment of religion, or prohibiting the exercise thereof; or abridging the found of speech, or of the press; or the right the people peaceably to assemble, and etition the government for a redress

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the copie to keep and bear arms shall not be in-

Patent Rolian Piano Fortes.

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